

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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|---|---|------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. |
| |) | |
| \$473,333.00 IN UNITED STATES CURRENCY, |) | |
| |) | |
| |) | |
| Defendant. |) | |

VERIFIED COMPLAINT FOR FORFEITURE

AND NOW comes the United States of America, by and through its counsel, Eric G. Olshan, United States Attorney for the Western District of Pennsylvania, and Jill L. Locnikar, Assistant United States Attorney for the Western District, and respectfully represents as follows:

1. Plaintiff, the United States of America, brings this civil action *in rem* for forfeiture to the United States of \$473,333.00 in United States currency, delineated by asset identification number 24-ICE-000489 (the “Defendant Currency”), pursuant to 8 U.S.C. § 1324(b) and 18 U.S.C. § 981(a)(1)(C).

2. Jurisdiction is predicated upon 28 U.S.C. ' 1345 and ' 1355(a). Venue is proper under 28 U.S.C. ' 1395 and § 1355(b).

FACTUAL BANCKGROUND

3. Law enforcement conducted an investigation of Prosperity Services. Inc. (“Prosperity”), a temporary staffing agency that pays workers who work at, among other locations, Fourth Street Barbecue, Inc. (“Fourth Street Barbecue”), a meat packing plant in Charleroi, PA.

4. Law enforcement conducted their investigation of Prosperity based on the company's involvement in employment, transportation, and harboring of undocumented non-citizens in violation of 8 U.S.C. ' 1324(a).

5. Prosperity's Articles of Incorporation, filed with the Pennsylvania Department of State, list the business as a for-profit, non-stock business with a registered office address located in Belle Vernon, PA, which is also the home address of Andy L. HA ("HA"), based on Pennsylvania Department of Motor Vehicle records.

6. Law enforcement identified one business bank account for Prosperity, a PNC Bank account with account number ending in x1152 ("PNC Bank Account"). The records from PNC Bank for Prosperity include a signature card on which HA signed as the President of Prosperity on October 28, 2021.

7. A contract dated November 22, 2022, between Prosperity and Fourth Street Barbecue, provides that all workers that Prosperity assigns to Fourth Street Barbecue shall be United States citizens or legal immigrants who are permitted to work in the United States and all workers shall have all documentation required to work legally in the United States.

8. As part of the investigation of Prosperity, law enforcement interviewed employees and HA. Employees told law enforcement that they were paid in cash. HA also told law enforcement that Prosperity employed approximately 100 employees and paid them in cash.

9. Prosperity utilized Peronace Financial Exchange ("Peronace"), a check cashing service based in Philadelphia, Pennsylvania.

10. HA has an account with Peronace, against which he cashed 35 checks from Fourth Street Barbecue to Prosperity between November 18, 2022, and November 3, 2023. The checks, prior to any Peronace fees, total \$16,870,165.56.

11. Law enforcement determined that the checks cashed at Peronace were never deposited into Prosperity's PNC Bank Account.

12. Law enforcement also determined that Prosperity is paying rent for numerous individuals it employs who are undocumented non-citizens. Prosperity's PNC Bank Account shows that checks totaling \$812,700.00 were issued to Bentleyville Nursing Home Inc. between 2022 and 2023.

13. Bentleyville Nursing Home Inc. owns property located at 25 Smita Lane, Bentleyville, PA, ("Bentleyville Property") that was used to house Prosperity undocumented non-citizen employees.

14. Law enforcement determined that Prosperity owns passenger vans that were used to transport employees from the Bentleyville Property to Fourth Street Barbecue.

15. The investigation of Prosperity determined that it paid undocumented non-citizen employees at a location known and numbered as 1213 McKean Avenue, Charleroi, PA 15022 (the "PAY NOW").

16. On May 19, 2023, law enforcement installed a pole cam with a view of the building in which the PAY NOW is located.

17. From on or about May 27, 2023, until on or about February 3, 2024, the pole cam surveillance of the PAY NOW recorded numerous people entering and leaving the PAY NOW on every other Saturday between 3:00 p.m. and 7:00 p.m.

18. The pole cam surveillance identified one woman ("R"), not legally present in the United States, who arrived at the PAY NOW, in HA's Honda Odyssey, bearing PA license plate MGV0110 (the "Odyssey"). Law enforcement interviewed R, who indicated that HA asked her to distribute money to Prosperity workers at the PAY NOW.

19. On February 17, 2014, law enforcement executed a search warrant at the PAY NOW. During the search of the PAY NOW, law enforcement observed the second floor to simulate a bank; windows were erected to resemble teller windows with labels identifying where individuals worked. One label was “South” (believed to be for the south location of Fourth Street Barbecue, Inc.).

20. During the execution of the search warrant on PAY NOW, law enforcement noticed the Odyssey parked in front of the PAY NOW.

21. Law enforcement stopped the Odyssey, and one of the occupants identified himself as HA.

22. Numerous interviews were conducted in conjunction with the search of the PAY NOW. Many of the individuals interviewed were undocumented non-citizens who do not have work authorization and had not applied for work authorization. These individuals told law enforcement they were paid in cash at the PAY NOW.

23. On February 18, 2024, law enforcement executed a federal search warrant on the Odyssey.

24. During the search of the Odyssey, law enforcement located the Defendant Currency inside a black duffle bag.

25. Based on their investigation, law enforcement has determined that Prosperity and HA, as President of Prosperity, knowingly paid undocumented non-citizen employees with cash. Law enforcement also determined that Prosperity and HA, as President of Prosperity, knowingly transported and housed undocumented non-citizens for employment purposes with Prosperity.

26. After seizure of the Defendant Currency, HA filed a claim to the Defendant Currency as part of the administrative proceedings. As a result, the United States instituted this civil forfeiture action against the Defendant Currency.

27. By reason of the foregoing, and under the provisions of 8 U.S.C. § 1324(b) and 18 U.S.C. § 981(a)(1)(C), the Defendant Currency is forfeitable to the United States.

WHEREFORE, the United States of America respectfully requests that process of warrant *in rem* issue for the arrest of the Defendant Currency; that Judgment of Forfeiture be entered in favor of the United States for the Defendant Currency; and that the United States be granted such relief as this Honorable Court may deem just and proper, together with the costs and disbursements of this action.

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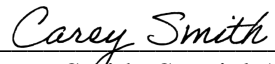
VERIFICATION

I am a Special Agent with the United States Immigration and Customs Enforcement, Homeland Security Investigation (HSI), and the case agent assigned to this case.

I have read the contents of the foregoing complaint for forfeiture and the statements contained therein are true and correct to the best of my knowledge and belief.

I verify under penalty of perjury that the foregoing is true and correct.

Executed on this 9 day of August , 2024.



Carey Smith, Special Agent
United States Immigration and Customs
Enforcement, Homeland Security Investigation
(HSI)